

AHG:jml

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GENERAL STAR NATIONAL INSURANCE
COMPANY,

Plaintiff,

-against-

VERIFIED ANSWER TO
COMPLAINT FOR
DECLARATORY RELIEF
AND INTERPLEADER

GINNETTI TRUCKING, LLC; EDDYS N. GARCIA,
as Administrator of the Goods, Chattels and Credits
which were of WENDY SANTOS, deceased;
EDDYS N. GARCIA, individually; EDDY I. GARCIA,
an infant by his father and natural guardian,
EDDYS N. GARCIA; KENNY GARCIA, an
infant by his father and natural guardian,
EDDYS N. GARCIA; OLGA GARCIA; RAFAEL
SALVADOR; and KEYLIE SALVADOR, an infant
by her mother and natural guardian, OLGA GARCIA,

1:08-CV-02957 GEL

Defendants.
-----X

Defendant EDDYS N. GARCIA, as Administrator of the Goods, Chattels
and Credits which were of WENDY SANTOS, deceased, EDDYS N. GARCIA,
individually, EDDY I. GARCIA, an infant by his father and natural guardian, EDDYS N.
GARCIA, KENNY J. GARCIA, an infant by his father and natural guardian, EDDYS N.
GARCIA, by their attorneys, Gair, Gair, Conason, Steigman & Mackauf, answering the
Complaint For Declaratory Relief and Interpleader by GENERAL STAR NATIONAL
INSURANCE COMPANY respectfully states as follows:

GENERAL ALLEGATIONS

1. Denies knowledge or information as to the allegations set forth in
paragraph "17" of the Complaint.

THE GENERAL STAR POLICY

2. Denies knowledge or information as to the allegations set forth in paragraph "18" of the Complaint to the extent that it is alleged the policy annexed as Exhibit "A" is a true and accurate copy of said policy.

3. Denies knowledge or information as to the allegations set forth in paragraph "21" of the Complaint.

THE UNDERLYING LAWSUITS
AND THE ACCIDENT
PLAINTIFFS' CLAIMS AGAINST
GENERAL STAR

4. Denies the allegations set forth in paragraph "30" of the Complaint to the extent that it alleges that neither the Ginnetti vehicles nor the accident plaintiffs' claims for damages against Ginnetti are covered under the terms of the General Star policy.

5. Denies the allegations set forth in paragraph "31" of the Complaint to the extent that it alleges the Ginnetti vehicles were not covered under the General Star policy and refers all questions of law to the Court.

6. Denies the allegations set forth in paragraph "32" of the Complaint to the extent it alleges that the Ginnetti vehicles were not covered under the General Star policy and refers all questions of law to the Court.

7. Denies the allegations set forth in paragraph "33" of the Complaint and refers all questions of law to the Court.

8. Denies the allegations set forth in paragraphs "34" of the Complaint

and refers all questions of law to the Court.

9. Denies the allegations set forth in paragraph "35" of the Complaint and refers all questions of law to the Court.

FIRST COUNT: DECLARATORY
JUDGMENT AS TO ALL DEFENDANTS

10. Defendants incorporate all of their responses to the allegations set forth in paragraphs "1" through "35" of the Complaint as if set forth fully herein.

11. Denies the allegations set forth in paragraphs "37" and "38" of the Complaint.

12. Denies the allegations set forth in paragraphs "39" and "40" of the Complaint and refers all questions of law to the Court.

13. Denies upon information and belief the allegations set forth in paragraphs "41" of the Complaint and refers all questions of law to the Court.

Dated: New York, New York
March 28, 2008

Respectfully submitted,

GAIR, GAIR, CONASON,
STEIGMAN & MACKAUF

ANTHONY H. GAIR (AHG5408)
Attorneys for Defendants
EDDYS N. GARCIA, as Administrator of
the Goods, Chattels and Credits which
were of WENDY SANTOS, deceased,
EDDYS N. GARCIA, individually, EDDY
I. GARCIA, an infant by his father and
natural guardian, EDDYS N. GARCIA,
KENNY J. GARCIA, an infant by his
father and natural guardian, EDDYS N.
GARCIA
80 Pine Street
New York, NY 10005
(212) 943-1090

TO:

DAY PITNEY LLP
Attorneys for Plaintiff
GENERAL STAR NATIONAL INSURANCE CO.
242 Trumbull Street
Hartford, CT 06103

LESTER, SCHWAB, KATZ & DWYER
Attorneys for Defendant
GINNETTI TRUCKING, LLC
120 Broadway
New York, NY 10271

YANOVER & YANOVER
Attorneys for Co-Plaintiffs
OLGA GARCIA, RAFAEL SALVADOR
KEYLIE SALVADOR
50 Charles Lindbergh Boulevard- Suite 400
Uniondale, NY 11553

McELFISH LAW FIRM
Attorneys for Plaintiff
CANAL INSURANCE COMPANY
1112 N. Sherbourne Drive
West Hollywood, CA 90069

STATE OF NEW YORK)
 :
COUNTY OF NEW YORK) s.s.:

ANTHONY H. GAIR, the undersigned, an attorney admitted to practice in the Courts of New York State, states that he is a member of the firm of Gair, Gair, Conason, Steigman & Mackauf attorneys for defendants, EDDYS N. GARCIA, as Administrator of the Goods, Chattels and Credits which were of WENDY SANTOS, deceased, EDDYS N. GARCIA, individually, EDDY I. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, KENNY J. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, in the within action; that deponent has read the foregoing Answer and knows its contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true. Deponent further states that the reason this verification is made by your deponent and not by the plaintiff is that the plaintiff is not within the county where deponent maintains his office.

The grounds of deponent's belief as to all matters not stated upon deponent's own knowledge are consultations had with the plaintiff and investigation and data in deponent's possession.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: New York, New York
March 28, 2008

ANTHONY H. GAIR

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

Jacqueline Lester being sworn says: I am not a party to the action, am over 18 years of age and reside at Staten Island, New York.

On March 28, 2008 I served a true copy of the annexed VERIFIED ANSWER TO COMPLAINT FOR DECLARATORY RELIEF AND INTERPLEADER by mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

DAY PITNEY LLP
Attorneys for Plaintiff
GENERAL STAR NATIONAL INSURANCE CO.
242 Trumbull Street
Hartford, CT 06103

LESTER, SCHWAB, KATZ & DWYER
Attorneys for Defendant
GINNETTI TRUCKING, LLC
120 Broadway
New York, NY 10271

YANOVER & YANOVER
Attorneys for Co-Plaintiffs
OLGA GARCIA, RAFAEL SALVADOR
KEYLIE SALVADOR
50 Charles Lindbergh Boulevard- Suite 400
Uniondale, NY 11553

McELFISH LAW FIRM
Attorneys for Plaintiff
CANAL INSURANCE COMPANY
1112 N. Sherbourne Drive
West Hollywood, CA 90069

Jacqueline Lester

Sworn to before me the
28th day of March, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GENERAL STAR NATIONAL INSURANCE
COMPANY,

Plaintiff,

-against-

GINNETTI TRUCKING, LLC; EDDYS N. GARCIA,
as Administrator of the Goods, Chattels and Credits
which were of WENDY SANTOS, deceased;
EDDYS N. GARCIA, individually; EDDY I. GARCIA,
an infant by his father and natural guardian,
EDDYS N. GARCIA; KENNY GARCIA, an
infant by his father and natural guardian,
EDDYS N. GARCIA, et. al.

Defendants.

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VERIFIED ANSWER TO
COMPLAINT FOR DECLARATORY
RELIEF AND INTERPLEADER

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GAIR, GAIR, CONASON,
STEIGMAN & MACKAUF
Attorneys for Plaintiff
80 Pine Street
New York, New York 10005
(212) 943-1090
Fax (212) 425-7513

-----X
NOTICE OF ENTRY

S I R : Please take notice that the within is a (certified) true copy of an Order duly
entered in the office of the Clerk of the within named Court on , 2008.

Dated: New York, New York

NOTICE OF SETTLEMENT

S I R : Please take notice that an Order of which the within is a true copy will be
presented for settlement to the Hon. one of the Justices of the within named Court,
at County on the day of , 2008 at 9:30 A.M.

Dated: New York, New York